

Remarks

In the 6/8/2004 Office Action, the Examiner rejected claims 1-19 pending in the application. This Response cancels claims 6 and 7, without prejudice or disclaimer, and amends claims 1 and 8.

Support for the amendment to claim 1 and 8 may be found in the originally filed claims 6 and 7. No new matter has been introduced.

After entry of the foregoing amendments, claims 1-5 and 8-19 (2 independent claims; 17 total claims) remain pending in the application. Reconsideration is respectfully requested.

35 U.S.C. § 102 REJECTIONS

Wendel

Claims 1-18 stand rejected under 35 U.S.C. § 102 as being anticipated by Wendal et al., U.S. Pat. No. 5,655,561 issued 8/12/1997 (hereafter Wendal). In particular, the Examiner states that, inter alia, "The red LED 66 is readable on the claimed leak or water detection and LED 68 is readable on the low battery condition. The battery is readable on element 52." Applicant respectfully traverses this rejection.

To anticipate a claim for a patent, a single prior source must contain each of its limitations. Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1376, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); In re Donohue, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Wendel, in column 4, lines 63-65 state "Transmitting unit 10 also includes a low-battery alarm circuit 30, which improves the reliability of the system by giving an indication when

battery replacement is necessary.” However, amended independent claim 1 now includes the limitation “wherein at least one of the sender units is battery powered and the base unit includes an electronic circuit to detect a power level of a battery in a sender unit.” Since Wendel not only fails to disclose, but also teaches away from, a “base unit” that “includes an electronic circuit to detect a power level of a battery in a sender unit”, Wendel does not anticipate amended independent claim 1.

The location of the circuit to detect a low battery condition is more than a mere engineering design choice as it affects the utility of the invention. Wendel requires the user to monitor each location of a sender unit to detect a low battery condition of the sender unit. This may be very difficult since sender units may be scattered throughout a property. In contrast, the present invention allows the user to detect at the base unit, which may be located in a common or easily accessible area, a low battery condition for all the sender units.

Independent claim 12 includes the limitation “wherein the base unit includes a corresponding multicolored light emitting diode for each sender unit.” In contrast, Wendel at col. 5, lines 62-67 states “[a] blue LED 66, operated by LED flasher unit 28 (shown in FIG. 1), and a red LED 68, operated by low battery alarm circuit 30 (also shown in FIG. 1) are visible from the front of the transmitting unit 10, providing visible indications of a detected flood condition and a battery-low condition, respectively.” Wendel clearly does not disclose a multicolored light emitting diode and thus Wendel does not disclose each limitation in independent claim 12.

Apelman

Claims 1-2, 4-5 and 10-11 stand rejected under 35 U.S.C. § 102 as being anticipated by Apelman, U.S. Pat. No. 6,489,895 issued 12/2/2002 (hereafter Apelman). Applicant respectfully traverses this rejection.

Amended independent claim 1 now includes the limitations of original claims 6 and 7 (which have now been deleted) of “wherein at least one of the sender units is battery powered and the base unit includes an electronic circuit to detect a power level of a battery in a sender unit.” This limitation is not disclosed in Apelman.

For the above reasons, Applicants submit that each and every element of independent claims 1 and 12 are not disclosed, taught or suggested by Wendel or Apelman. Accordingly, claims 1 and 12 (and claims 2-5, 8-11 each of which variously depend from claim 1 and claims 13-18 each of which variously depend from claim 12) are not anticipated by Wendel or Apelman and Applicants respectfully request the withdrawal of the rejection of claims 1-18 under 35 U.S.C. § 102.

In addition to the above reasons, claims 8, 9, and 18 are not anticipated by Wendel or Apelman for a variety of independent reasons. Dependent claim 8 includes “a multi colored light emitting diode” not shown in the prior art. Dependent claim 9 includes “one or more light emitting diodes to indicate which sender unit signaled the base unit”. Dependent claim 18 includes “the base unit includes an electronic circuit to detect a power level of a battery”. These elements are not disclosed by Wendel or Apelman. Accordingly, dependent claims 8, 9, and 18 are independently allowable under § 102.

35 U.S.C. § 103 REJECTIONS

Dependent claim 19 stands rejected under 35 U.S.C. § 103 as being unpatentable over Wendel. In particular, the Examiner stated that “the above claim is readable on the patent to Wendel et al with the single exception of having a third LED that illuminates a green light for indicating normal operations.” Applicant respectfully traverses this rejection.

Claim 19 depends from claim 12 which includes the limitation “wherein the base unit includes a corresponding multicolored light emitting diode for each sender unit.” Wendel does not disclose a “multicolored light emitting diode” or a “light emitting diode for each sender unit” and thus cannot be used to support a 35 U.S.C. § 103 rejection.

Conclusion

In view of the foregoing, Applicant respectfully submits that all of the pending claims fully comply with 35 U.S.C. § 112 and are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, the Examiner is invited to telephone the undersigned at the Examiner’s convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stewart J. Womack", written in a cursive style.

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